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EXAMINER

DODDS, HAROLD E

ART UNIT	PAPER NUMBER
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2177

20

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Please find below and/or attached an Office communication concerning this application or proceeding.

14

3.1

Office Action Summary

Application No.

09/462,928

Applicant(s)

O'CONNOR, PAUL MICHAEL

Examiner

Harold E. Dodds, Jr.

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9,11,13-18,20-22,24,26 and 28-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,11,13-18,20-22,24,26 and 28-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>20</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The formal drawings were received on 19 November 2003. These drawings are acceptable.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-7, 14-18, 20-22, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,717,923), Kravitz (U.S. Patent No. 6,029,150), and Geerlings (U.S. Patent No. 6,073,112).

4. Dedrick rendered obvious independent claims 1 and 16 by the following:
"...to an interaction database of interaction data..." at col. 2, lines 15-20.
"...the interaction database comprising interaction data of interactions..." at col. 2, lines 15-20.
"...into a demographics database..." at col. 12, lines 7-11.
"...demographic data..." at col. 12, lines 7-11.
"...retrieving from the interaction and demographics databases..." at col. 10, lines 5-12.
"...data retrieved from the interaction and demographics databases...." at col. 10, lines 5-12.

Dedrick does not teach the interaction of customer and merchant data, the use of data representing existing or prospective customers, the existence of different merchants and different customers, and the generation of reports.

5. However, Kravitz teaches the interaction of customer and merchant data as follows:

"...transmitting a customer identifier from a customer to a merchant automatically during a commercial transaction between the customer and the merchant..." at col. 13, lines 2-5, col. 7, lines 21-25, col. 13, lines 14-19, and col. 1, lines 52-55.

"...transmitting the customer identifier and a merchant identifier from the merchant to a third-party financial institution..." at col. 13, lines 2-5, col. 7, lines 21-25, col. 14, lines 29-33, col. 47, lines 39-42, col. 2, lines 38-41, and col. 1, lines 28-31.

"...transmitting the customer identifier and the merchant identifier from the financial institution..." at col. 13, lines 2-5, col. 7, lines 21-25, col. 14, lines 29-33, and col. 1, lines 28-31.

"...representing interactions between customers and merchants, comprising interaction data of interactions..." at col. 11, lines 64-67 and col. 12, lines 1-2.

"...transmitting from the financial institution..." at col. 13, lines 2-5 and col. 1, lines 28-31.

"...with interaction data obtained from interactions between customers and merchants..." at col. 11, lines 64-67 and col. 12, lines 1-2.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to have an interaction database for interactions or transactions between

customers and merchants in order to maintain a record of these transactions for future reference.

Kravitz does not teach the use of data representing existing or prospective customers and the generation of reports.

6. However, Geerlings teaches the use of data representing existing or prospective customers, the existence of different merchants and different customers, and the generation of reports as follows:

"...involving different merchants and different customers..." at col. 4, lines 54-56 and col. 6, lines 24-26.

"...representing existing and/or prospective customers of two or more merchants..." at col. 1, lines 24-28.

"...data representing existing and/or prospective customers of one or more merchants..." at col. 1, lines 24-28.

"...generating a report..." col. 15, lines 2-13.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to capture interactions with existing customers and to build lists of perspective customers in order to develop marketing strategy for the merchant's services or products. Likewise, it would have been obvious to one ordinarily skilled in the art at the time of the invention to allow different merchants and different customers in the development of marketing strategy in order to be able to tailor a strategy for different combinations of merchants and customers. Furthermore, it would have been obvious to

one ordinarily skilled in the art at the time of the invention to produce reports to summarize data in the database into meaningful summaries for the merchant.

7. As per claims 2 and 17, the "...interaction database...", is taught by Dedrick at col. 2 lines 15-20 and the "...demographics database are maintained as separate databases...", is taught by Dedrick at col. 12, lines 7-11.

8. As per claims 3 and 18, the "...interaction database...", is taught by Dedrick at col. 2 lines 15-20 and the "...demographics database are maintained as a single database...", is taught by Dedrick at col. 12, lines 7-11.

9. As per claims 5 and 20, the "...interaction data includes date and/or time data..." is taught by Kravitz at col. 14, lines 35-36.

10. As per claims 6 and 21, the "...one or more interactions has a monetary value, and the interaction data obtained from the interaction includes the monetary value...", is taught by Kravitz at col. 14, line 37.

11. As per claims 7 and 22, the "...interactions stored in the interaction database...", is taught by Dedrick at col. 2, lines 15-20, the "...comprise commercial transactions...", is taught by Kravitz at col. 11, lines 51-55, and the "...between customers and merchants...", is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

12. As per claim 14, the "...report...", is taught by Geerlings at col. 15, lines 2-13,

the "...includes demographic data..." is taught by Dedrick at col. 12, lines 7-11,
and the "...representing the customers of a merchant. ...," is taught by Kravitz at col. 11,
lines 64-67 and col. 12, lines 1-2.

13. As per claim 15, the "...report..." is taught by Geerlings at col. 15, lines 2-13,

the "...includes demographic data..." is taught by Dedrick at col. 12, lines 7-11,
and the "...representing the customers of two or more merchants....," is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

14. As per claim 29, the "...report generator is configured to generate a report..." is taught by Geerlings at col. 3, lines 62-65 and col. 15, lines 2-13,
the "...based on data including demographic data..." is taught by Dedrick at col. 12, lines 7-11,
and the "...representing the customers of a merchant. ...," is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

15. As per claim 30, the "...report generator is configured to generate a report..." is taught by Geerlings at col. 3, lines 62-65 and col. 15, lines 2-13,
the "...based on data including demographic data..." is taught by Dedrick at col. 12, lines 7-11,
and the "...representing the customers of two or more merchants....," is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

16. Claims 31, 32, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims 7 and 22 above, and further in view of Sirbu et al. (U.S. Patent No. 5,809,144).

As per claims 31 and 37, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,

the "...includes a customer identifier, the customer identifier..." is taught by Kravitz at col. 7, lines 21-24,

the "...from the commercial transactions..." is taught by Kravitz at col. 11, lines 51-55, but the "...comprising an account number..."

and "...being obtained by one or more financial institutions..." are not taught by either Dedrick, Kravitz, or Geerlings.

However, Sirbu teaches the use of account numbers and the use of customer and merchant accounts by financial institutions as follows:

"...The cryptographic checksum of the customer's account number with an account verification nonce, so that the merchant may verify that any supplied credentials were used correctly..." at col. 10, lines 4-7.

"...funds in a customer's account can be replenished from a bank or credit card; similarly, funds in a merchant's account are made available by depositing them in the merchant's bank account in financial institution 18..." at col. 3, lines 65-67 and col. 4, line 1.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use customer account numbers and to obtain customer accounts from financial institutions in order to designate unique numbers representing each customer, which had already been assigned by the financial institution in the transaction database.

17. As per claims 32 and 38, the "...interaction data...", is taught by Dedrick at col. 2, lines 15-20,
the "...includes a merchant identifier, the merchant identifier...", is taught by Kravitz at col. 28, line 16,
the "...comprising an account number...", is taught by Sirbu at col. 10, lines 39-42,
the "...obtained by one or more institutions...", is taught by Sirbu at col. 3, lines 65-67 and col. 4, line 1,
and the "...from the commercial transactions...", is taught by Kravitz at col 11, lines 51-55.

18. Claims 9, 24, 33, 34, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims above, and further in view of Kaweck et al. (U.S. Patent No. 5,963,625).

As per claims 9 and 24, the "...interactions stored in the interaction database..." is taught by Dedrick at col. 2, lines 15-20,
the "...comprise communications between customers and merchants...", is taught by Kravitz at col. 14, lines 64-37 and col. 15, lines 1-2,
but the "...provided by one or more telecommunications service providers...", is not taught by either Dedrick, Kravitz, or Geerlings.

However, Kaweck teaches the use of telecommunications service providers as follows:

"...when an LEC 110 (150) disconnects a subscriber to local service for non-payment, the subscriber may be automatically input to the sponsor ANI tabular data as well as that maintained

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for a telecommunications service provider ..." at col. 8, lines 11-15.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use information from telecommunications service providers as the source of data for the interaction database in order to provide information about the participants of a transaction.

19. As per claims 33 and 39, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20, the "...includes a customer identifier, the customer identifier..." is taught by Kravitz at col. 7, lines 21-25, but the "...comprising a telephone number..." are not taught by either Dedrick, Kravitz, or Geerlings.

However, Kawecky teaches the use of telephone numbers and the use of telecommunications service providers as follows:

"...All the data, for example, calling party name, address, telephone number, credit card number, etc. can be used to track callers who do not pay for 900 pay services. For example, when an LEC 110 (150) disconnects a subscriber to local service for non-payment, the subscriber may be automatically input to the sponsor ANI tabular data as well as that maintained for a telecommunications service provider..." at col. 8, lines 8-15.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use information from telecommunications service providers as the source of telephone numbers of customers and merchants for the interaction database in order to provide information about the participants of a transaction.

20. As per claims 34 and 40, the "...interaction data..." is taught by Dedrick at col. 2, lines 15-20,
the "...includes a merchant identifier, the merchant identifier..." is taught by Kravitz at col. 28, line 16,
the "...comprising a telephone number obtained by one or more telecommunications service providers from the communications..." is taught by Kawecky at col. 8, lines 8-15.

21. Claims 11, 26, 36, 37, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to the claims above, and further in view of Hanson et al. (U.S. Patent No. 5,974,398).

As per claims 11 and 26, the "...interactions stored in the interaction database..." is taught by Dedrick at col. 2, lines 7-11,
"...between customers and merchant..." is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2,
but the "...comprise data network communications..." and "...provided by one or more data network service providers..." are not taught by either Dedrick, Kravitz, or Geerlings.

However, Hanson teaches the use of data network communications and data network service providers as follows:

"...FIG. 1 shows an on-line service platform 100 connected to an advertiser workstation 120 via a data network 130. Data network 130, in this illustrative example of the invention, comprises a conventional data transport network such as that available from communication service providers..." at col. 2, lines 58-63.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to store transactions between customers and merchants on a data communications network provided by data network service providers on the interaction database in order to maintain a record of the transactions between customers and merchants on this medium.

22. As per claims 35 and 41, the "...interaction data...", is taught by Dedrick at col. 2, lines 15-20,
the "...includes a customer identifier, the customer identifier...", is taught by Kravitz at col. 7, lines 21-25,
the "...comprising a data network address...", is taught by Kravitz at col. 46, lines 12-14,
and the "...obtained by one or more data network service providers from the data network communications...", is taught by Hanson at col. 2, lines 58-63,

23. As per claims 36 and 42, the "...interaction data...", is taught by Dedrick at col. 2, lines 15-20,
the "...includes a merchant identifier, the merchant identifier...", is taught by Kravitz at col. 28, line 16,
the "...comprising a data network address...", is taught by Kravitz at col. 46, lines 12-14,
and the "...obtained by one or more data network service providers from the data network communications...", is taught by Hanson at col. 2, lines 58-63.

24. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims 1 and 15 above respectively, and further in view of Carles (U.S. Patent No. 5,661,516).

As per claim 13, the "...report...", is taught by Geerlings at col. 15, lines 2-13, the "...in addition to data retrieved from the interaction...database..." is taught by Dedrick at col. 2, lines 15-20, the "...demographics database...", is taught by Dedrick at col. 12, lines 7-11, but the "...is based on census data...", is not taught by either Dedrick, Kravitz, or Geerlings.

However, Carles teaches the use of census data as follows:

"...Using demographic, census and survey data, and other available data, information about these households in a wide range of categories is gathered..." at col. 5, lines 11-14.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use census data along with data retrieved from the interaction and demographics databases in order to provide more informative reports for the user.

25. As per claim 38, the "...report generator is configured to generate a report...", is taught by Geerlings at col. 15, lines 2-13, the "...in addition to data retrieved from the interaction...database..." is taught by Dedrick at col. 2, lines 15-20, the "...demographics database...", is taught by Dedrick at col. 12, lines 7-11, but the "...based on census data...", is not taught by either Dedrick, Kravitz, or Geerlings.

However, Carles teaches the use of census data as follows:

"...Using demographic, census and survey data, and other available data, information about these households in a wide range of categories is gathered..." at col. 5, lines 11-14.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use census data along with data retrieved from the interaction and demographics databases in order to provide more informative reports for the user.

Response to Arguments

26. Applicant's arguments filed 31 January 2003 have been fully considered but they are not persuasive. In the first argument for independent claims 1 and 16 on page 14, paragraph 2, the Applicant states as follows:

"As the Examiner noted in the Office Action, the Dedrick specification does not teach or suggest transmitting a customer identifier and a merchant identifier from the merchant to a financial institution, nor does it describe the step of transmitting from the financial institution into a demographics database, demographic data representing existing and/or prospective customers of two or more merchants."

These phrases are taught by a combination of Detrick, Kravitz, and Geerlings. Kravitz teaches "transmitting the customer identifier and a merchant identifier from the merchant to a third-party financial institution" at col. 13, lines 2-5, col. 7, lines 21-25, col. 14, lines 29-33, col. 47, lines 39-42, col. 2, lines 38-41, and col. 1, lines 28-31. Kravitz teaches "transmitting from the financial institution" at col. 13, lines 2-5 and col. 1, lines 28-31, Detrick teaches "into a demographics database" at col. 12, lines 7-11 and "demographic data" at col. 12, lines 7-11, and Geerling teaches "representing existing and/or prospective customers of two or more merchants" at col. 1, lines 24-28.

27. In the second argument for independent claims 1 and 16 on page 14, paragraph 3, the Applicant states as follows:

"Concerning the Kravitz system, the Examiner cited Column 13, lines 2-5, Column 7, lines 21-25 and Column 14, lines 29-33 as disclosing the transmission of the customer identifier and the merchant identified from the merchant to a financial institution. Applicant respectfully disagrees with this statement. In fact the cited text supports

Applicant's position that the customer and merchant identifiers associated with a particular transaction are transmitted by the CTA to the customer's bank. The CTA is not the merchant nor is the CTA affiliated with the merchant. The CTA is the customer's agent. Therefore, the Kravitz system does not disclose, suggest or teach transmitting the customer identifier and the merchant identifier from the merchant to a financial institution. Still further, the Kravitz system does not teach, suggest or disclose the step of transmitting from the financial institution into a demographics database, demographic data representing existing and/or prospective customers of two or more merchants."

Kravitz teaches the transferring of information from a merchant as follows:

"...So a customer will not send a payment request to an agent unless the authenticated shipping information **from the merchant** matches the customer's actual shipping information..." at col. 47, lines 39-42.

Likewise Kravitz teaches the use of third parties as follows:

"...An on-line system is one where the parties to a transaction are joined through a network to a **third party** and communicate with this **third party** (server) during the course of the transaction..." at col. 2, lines 38-41.

Since the customer's bank is certainly a financial institution these three selections from Kravitz could be combined to suggest the transfer of information from a merchant to a third-party financial institution. As shown by the response to the first argument, a combination of references from Detrick and Kravitz teaches the phrase "transmitting from the financial institution into a demographics database".

28. In the third argument for independent claims 1 and 16 on page 14, paragraph 4, the Applicant states as follows:

"Similarly, Geerlings does not disclose, suggest or teach transmitting the customer identifier and the merchant identifier from the merchant to a financial institution, nor does it describe the step of transmitting from the financial institution into a demographics database, demographic data representing existing and/or prospective customers of two or more merchants."

Since this is essentially a restatement of the first two arguments, the responses to the first two arguments also address the third argument.

29. In the fourth argument for independent claims 1 and 16 and claims 2, 3, 5-7, 9, 11, 13-15, 17, 18, 20, 22, 24, 26, and 28-42 on page 16, paragraph 2, the Applicant states as follows:

"Therefore, neither Dedrick, Kravitz or Geerlings, either alone or in combination, teach, disclose or suggest a method or system as recited in claims 1 and 16. Accordingly, claims 1 and 16 and each of the claims depending therefrom, namely claims 2, 3, 5-7, 9, 11, 13-15, 17, 18, 20, 22, 24, 26, and 28-42 distinguish the subject invention from Dedrick, Kravitz and Geerlings. Further, Claims 1 and 16 are not rendered obvious by the combination of Dedrick, Kravitz and Geerlings."

The responses to the first two arguments show that the combination of Dedrick, Kravitz and Geerlings renders obvious independent claims 1 and 16. Since claims 2, 3, 5-7, 9, 11, 13-15, 17, 18, 20, 22, 24, 26, and 28-42 are dependent upon independent claims 1 and 16 and no additional arguments have been provided for any of these dependent claims, then claims 2, 3, 5-7, 9, 11, 13-15, 17, 18, 20, 22, 24, 26, and 28-42 are still rendered obvious.

30. In the fifth argument for claims 31, 32, 37, and 38 on page 16, paragraph 3, the Applicant states as follows:

"In the Office Action, the Examiner rejected claims 31, 32, 37 and 38 under 35 USC 103(a) as being unpatentable over Dedrick, Kravitz and Geerlings as applied to claims 7 and 22 above, and further in view of Sirbu et al. (U.S. Patent No. 5,809,144). Applicant asserts that Sirbu et al. does not cure the deficiency of Dedrick, Kravitz and Geerlings noted above with respect to claims 1 and 16. More specifically, Sirbu et al. does not teach, suggest or disclose transmitting the customer identifier and the merchant identifier from the merchant to a financial institution, nor does it describe the step of transmitting from the financial institution into a demographics database, demographic data representing existing and/or prospective customers of two or more merchants."

The responses to the first two arguments show that the combination of Dedrick, Kravitz and Geerlings renders obvious independent claims 1 and 16. Since the combination of Dedrick, Kravitz and Geerlings renders obvious independent claims 1 and 16 there is no additional requirement that Sirbu also render obvious these independent claims. Since claims 31, 32, 37 and 38 are dependent upon independent claims 1 and 16 and no additional arguments have been provided for any of these dependent claims, then claims 31, 32, 37 and 38 are still rendered obvious.

31. In the sixth argument for claims 9, 24, 33, 34, 39 and 40 on page 16, paragraph 4 and page 17, paragraph 1, the Applicant states as follows:

"In the Office Action, the Examiner rejected claims 9, 24, 33, 34, 39 and 40 under 35 USC 103(a) as being unpatentable over Dedrick, Kravitz and Geerlings as applied to the claims above, and further in view of Kaweck et al. (U.S. Patent No. 5,963,625). Applicant asserts that Kaweck et al. does not cure the deficiency of Dedrick, Kravitz and Geerlings noted above with respect to claims 1 and 16. More specifically, Kaweck et al. does not teach, suggest or disclose a system and method for transmitting the customer identifier and the merchant identifier from the merchant to a financial institution, nor does it describe the step of transmitting from the financial institution into a demographics database, demographic data representing existing and/or prospective customers of two or more merchants. Therefore, claims 9, 24, 33, 34, 39 and 40 by virtue of their dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings and Kaweck et al."

The responses to the first two arguments show that the combination of Dedrick, Kravitz and Geerlings renders obvious independent claims 1 and 16. Since the combination of Dedrick, Kravitz and Geerlings renders obvious independent claims 1 and 16 there is no additional requirement that Kaweck also render obvious these independent claims. Since claims 9, 24, 33, 34, 39 and 40 are dependent upon independent claims 1 and 16 and no additional arguments have been provided for any of these dependent claims, then claims 9, 24, 33, 34, 39 and 40 are still rendered obvious.

32. In the seventh argument for claims 11, 26, 36, 37, 41, and 42 on page 17, paragraph 2, the Applicant states as follows:

"In the Office Action, the Examiner rejected claims 11, 26, 36, 37, 41 and 42 under 35 USC 103(a) as being unpatentable over Dedrick, Kravitz and Geerlings as applied to claims 1 and 16 above, and further in view of Hanson et al. (U.S. Patent No. 5,974,398). Applicant asserts that Hanson et al. does not cure the deficiency of Dedrick, Kravitz and Geerlings noted above with respect to claims 1 and 16. More specifically, Hanson et al. does not teach, suggest or disclose a system and method for transmitting the customer identifier and the merchant identifier from the merchant to a financial institution, nor does it describe the step of transmitting from the financial institution into a demographics database, demographic data representing existing and/or prospective customers of two or more merchants. Therefore, claims 11 and 26 by virtue of their dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings and Hanson et al."

The responses to the first two arguments show that the combination of Dedrick, Kravitz and Geerlings renders obvious independent claims 1 and 16. Since the combination of Dedrick, Kravitz and Geerlings renders obvious independent claims 1 and 16 there is no additional requirement that Hanson also render obvious these independent claims.

Since claims 11, 26, 36, 37, 41 and 42 are dependent upon independent claims 1 and 16 and no additional arguments have been provided for any of these dependent claims, then claims 11, 26, 36, 37, 41 and 42 are still rendered obvious.

33. In the eighth argument for claims 13 and 28 on page 17, paragraph 3 and page 18, paragraph 1, the Applicant states as follows:

"In the Office Action, the Examiner rejected claims 13 and 28 under 35 USC 103(a) as being unpatentable over Dedrick, Kravitz and Geerlings as applied to claims 1 and 16 above, and further in view of Carles (U.S. Patent No. 5,661,516). Applicant asserts that Carles does not cure the deficiency of Dedrick, Kravitz and Geerlings noted above with respect to claims 1 and 16. More specifically, Carles does not teach, suggest or disclose a system and method for transmitting the customer identifier and the merchant identifier from the merchant to a financial institution, nor does it describe the step of transmitting from the financial institution into a demographics database, demographic data representing existing and/or prospective customers of two or more merchants.

Therefore, claims 13 and 28 by virtue of their dependency from claims 1 and 16, distinguish over the combination of Dedrick, Kravitz, Geerlings and Carles.

The responses to the first two arguments show that the combination of Dedrick, Kravitz and Geerlings renders obvious independent claims 1 and 16. Since the combination of Dedrick, Kravitz and Geerlings renders obvious independent claims 1 and 16 there is no additional requirement that Carles also render obvious these independent claims. Since claims 13 and 28 are dependent upon independent claims 1 and 16 and no additional arguments have been provided for any of these dependent claims, then claims 13 and 28 are still rendered obvious.

Conclusion

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

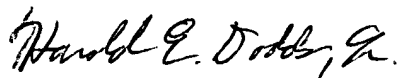
35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is

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(703)-305-1802. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703)-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harold E. Dodds, Jr.
Patent Examiner
April 29, 2004



GRETA ROBINSON
PRIMARY EXAMINER